NIAC Unveils Industry Content Code And Model Data Protection Code For The Private Sector

On 5 February 2002, the Singapore National Internet Advisory Committee released, as part of its 2000 / 2001 annual, two new codes: the Industry Content Code and the Model Data Protection Code for the Private Sector. This Update summarises what these two codes contain.

Introduction

The Singapore National Internet Advisory Committee (‘NIAC’) released its 2000 / 2001 annual report on 5 February 2002. This Committee was first appointed in 1996, and advises the Singapore Broadcasting Authority (‘SBA’) on the regulation of electronic information services and the development of the Internet industry, and assists in the development of SBA’s regulatory framework for the Internet. It also provides feedback and advice on the impact of technological developments and other Internet related issues.

In this latest report, NIAC unveiled two new codes for the local industry – the Industry Content Code and the Model Data Protection Code for the Private Sector.

Industry Content Code

The Industry Content Code was developed with the assistance of the Singapore IT Federation (‘SITF’) as a guide to the type of content industry players should place on the Internet. This voluntary Code, if adopted by a company, is expected to be used in totality, or incorporated into existing contracts, such as Acceptable Use Policies that Internet providers have for their users. The main obligations of such companies under the Code are:

- not to knowingly place inappropriate, objectionable, or illegal content on the Internet;
- to use their best efforts to ensure that no content deemed unsuitable for minors is made available to them freely on their service;
- to adopt an appropriate content classification system to rate and label their websites;
- not to use inaccurate or misleading descriptors to rate and label their websites;
- to respect the privacy and confidentiality of user information;
- not to send unsolicited emails;
- to comply with the Singapore Code of Advertising Practice published by the Advertising Standards Authority of Singapore (‘ASAS’);
- to support public education initiatives and make available where possible information on filtering solutions and other content management tools;
- to establish a process to address and investigate any public feedback or complaints,
including cooperating with other industry members to carry out any remedial actions needed.

**Model Data Protection Code For The Private Sector**

The Model Data Protection Code for the Private Sector is revised from and built on NIAC’s earlier voluntary E-Commerce Code for the Protection of Personal Information and Communications of Consumers of Internet Commerce released in 1998. The Model Data Protection Code aims to establish minimum standards for electronic data protection, and promote the harmonisation of data protection principles across different sectors. Developed with greater private sector input, the Model Data Protection Code provides for 11 data protection principles, differentiated roughly according to the different stages of data processing:

- accountability;
- identifying purposes;
- consent;
- limiting collection;
- limiting use, disclosure and retention;
- accuracy;
- safeguards;
- openness;
- individual Access;
- challenging compliance; and
- transborder data flows (optional).

This Code has been developed in recognition of the growing importance of data protection issues and the need for a proper governance of this area in cyberspace to prevent potential abuses. The Code goes beyond the existing legal frameworks that deal primarily with protecting the confidentiality of information to address issues of accuracy, purpose of use, etc as well. With the exception of the last principle, it is also expected that companies adopting the Code will use it in its totality.

The National Trust Council (‘NTC’) will conduct a public consultation based on the Model Data Protection Code, and will eventually implement the Code through its TrustSg programme, a national trust mark initiative (http://www.trustsg.org.sg). NTC was formed in 2001, and is an industry-led and government-supported effort to address concerns of the industry to build confidence in e-transactions. The TrustSg mark provides a visual indication to consumers and businesses as to the ‘worthiness’ of online establishments, and will cover concerns on fraud, credit card scams, fulfilment, data protection and security. Authorised Code Owners (‘ACOs’) such as trade associations (e.g. SITF), chambers or other businesses will be accredited by NTC to issue and enforce the trust mark based on codes of practice such as the Model Data Protection Code and the Industry Content Code.

**Looking Ahead**

The Rajah & Tann Technology Practice Group has often advised our clients in the past in areas of Privacy and Data Protection. The advice rendered in the past has focused on compliance with standards set in the United States and the European Union. With the advent of our own codes, we now have specific local standards to address this growing area of concern. The parameters for specific changes to our clients work processes and legal documentation is now better defined and the need for changes to the way business is conducted...
especially in the electronic realm, is imperative.

We will be following this message with a further update shortly detailing some of the specific steps that your organization may have to take to be compliant with the new codes outlined above. We are in a position to address your concerns in this regard. Please feel free to contact the partners of our Technology Practice Group to discuss further.

Rajah & Tann is one of the largest law firms in Singapore. It is a full service firm and given its alliances, including US premier firm Weil, Gotshal & Manges, is able to tap into resources in a number of countries.

Rajah & Tann is firmly committed to the provision of high quality legal services. It places strong emphasis on promptness, accessibility and reliability in dealings with clients. At the same time, the firm strives towards a practical yet creative approach in dealing with business and commercial problems.

The information contained in this Update is correct to the best of our knowledge and belief at the time of writing. The contents of the above are intended to provide a general guide to the subject matter and should not be treated as a substitute for specific professional advice for any particular course of action as the information above may not necessarily suit your specific business and operational requirements. It is to your advantage to seek specific legal advice for your specific situation. In this regard, you may call the lawyer you normally deal with in Rajah & Tann or e-mail the Knowledge & Risk Management Group at eOASIS@rajahtann.com.